

Appln No. 09/995,483
Amdt date May 10, 2011
Reply to Office action of March 30, 2011

Amendments to the Drawings:

The attached sheet of drawings includes changes to FIG. 15. This sheet, which includes FIG. 15, replaces the original sheet including FIG. 15.

Attachments: Replacement Sheet
 Annotated Sheet Showing Changes

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REMARKS

The above amendments and these remarks are in response to the Office action mailed on March 30, 2011. Claims 1, 4-7, 10, 14-18, 22, 23, 27, 28, 30, 31, and 115-118 are pending in this application. Reconsideration on the basis of the above amendments and remarks below is kindly requested.

The undersigned attorney wishes to thank the Examiner for the telephonic interview on April 26, 2011, where the addition of FIG. 15 was discussed.

The Examiner objected to FIG. 15 as introducing new matter not in the disclosure. FIG. 15 was added in response to the Office action mailed on June 1, 2010. Specifically, FIG. 15 is FIG. 4 with the inclusion of liner 84 as described on column 4, lines 54-60, of U.S. Patent No. 6,202,870, which is being reissued herein. No new matter has been added. Nevertheless, as discussed with the Examiner during the telephonic interview, the dashed lines have been amended to more clearly show the ridges of 56. Please note that because the ridges are shown as hidden lines, they all possess the same thickness. This amendment to FIG. 15 should address the Examiner's objection.

The Examiner objected to the specification as not providing proper antecedent basis for "wherein the bottle neck rim is engaged by all of said plurality of ridges along a majority of a circumferential length of the bottle neck rim" and "wherein said majority of a circumferential length may be a non-continuous circumferential length." Support and antecedent basis are provided in the specification of U.S. Patent No. 6,202,870, and specifically on column 3, line 64 to column 4, line 7. That section describes that where "When the cap is torqued onto the bottle neck, the ridges are seated on the rim 42 of the bottle neck forming a seal." The ridges being referred to are disclosed in FIGS. 2, 4 and 5, as for example. As can be seen, each of these ridges for example, ridge 56 disclosed in FIG. 4 would occupy a majority of the circumferential length of the bottle neck rim. Each ridges may be non-continuous in that it is interrupted by a

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slot 58. One skilled in the art reading the specification of U.S. Patent No. 6,202,870, along with FIGS. 2, 4 and 5 would understand that when the cap is torqued to the bottle neck, each of the ridges would engage a majority of the circumferential length of the bottle neck rim and that circumferential length may be non-continuous.

The Examiner objected to the Terminal Disclaimer and consequently, rejected claims 10, 18 and 31, provisionally on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 61, 62, 64, 65, and 67 of co-pending Application No. 11/041,925. A new Terminal Disclaimer is being submitted herewith to address the Examiner's objection.

Also submitted concurrently herewith is a new Substitute Declaration for Reissue Patent Application.

The objections pending in this application are believed to have been overcome, and this application is now believed to be in condition for allowance. Should the Examiner have any remaining questions or concerns about the allowability of this application, the Examiner is kindly requested to call the undersigned attorney to discuss them.

Respectfully submitted,
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By 

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APPENDIX